

### REMARKS

This amendment is in response to the new grounds of rejection presented by the Examiner in the Office Action mailed March 15, 2007. Applicants respectfully request reconsideration of the application as the cited references cannot anticipate, nor teach or suggest the present invention as claimed, for at least the reasons presented herein.

Claims 1-8 and 16-18 have been rejected under 35 U.S.C. §102(a) as being anticipated by Schlensker et al. WO 02/38247 or U.S. Patent No. 6,936,084. Regarding claim 1, the Examiner states that Schlensker teaches a filter cartridge container 20 with a bottom wall 22 and a peripheral wall and a lid 24 which anticipates claim 1.

Schlensker teaches a filter for separating impurities from a gas stream, see column 1, lines 7-8 (U.S. '084), which has a housing body portion 20 and a housing head portion 22, see column 4, lines 15-17 (U.S. '084). It is respectfully submitted that housing head 22 is not a bottom wall. The bottom wall of the housing shown in FIG. 1 is designated by reference number 24. The actual bottom of the filter compartment is the element bottom 40. Beneath the element bottom 40, there is room for an additional device such as a condensate drain device, see column 4, lines 25-28 (U.S. '084). The bottom section is not the subject of the invention and, therefore, is not described in detail.

The object of the invention of Schlensker is a filter that is easier to manufacture and more convenient to use in practice, while still maintaining the advantages of an already known inlet elbow with smooth inner surfaces, see column 1, lines 53-57 (U.S. '084). Therefore, claim 1 of Schlensker is directed to a multi-piece housing, a filter element and the inlet elbow as well as to the sealing surfaces.

It is respectfully submitted that Schlensker discloses no features in his specification which are relevant to the present application. In particular, the pressure problem in connection with the durable fastening of the lid of the present invention is not addressed in Schlensker. One of ordinary skill in the art would not look to the Schlensker reference in trying to solve the problem of fastening a lid to a cartridge container and the structure taught by Schlensker does not anticipate claim 1 and claims dependent thereon. Regardless, it is believed that the Examiner has compared bottom

element 24 with the claimed lid in order to state that Schlensker anticipates independent claim 1.

It is respectfully submitted that the Examiner has not presented a *prima facie* case of anticipation. The Schlensker reference does not describe the claimed subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention.

Bottom element 24 of Schlensker includes a collar, but not a lid as specifically claimed, having a strip-shaped lateral wall.

Moreover, most of the bottom element 24 consists of a common wall section, which, contrary to independent claim 1, doesn't taper inwards. As illustrated in FIG. 1, the thickness of the Schlensker lid increases at the point where the collar merges with the curved edge section and is constant up to the end of the common wall section.

Accordingly, it is respectfully submitted that independent claim 1 cannot be anticipated by Schlensker.

Dependent claim 2 claims that the lateral wall is connected with the curved edge section tangentially. To the contrary, FIG. 1 of Schlensker cited by the Examiner shows the collar merging with the edge section in a V-shaped manner, wherein neither the collar nor the curved edge section forms a tangent. Accordingly, claim 2 cannot be anticipated by Schlensker.

As explained hereinabove, Schlensker teaches a very broad common wall section, wherein the curved edge section doesn't extend up to the inner end of the strip-shaped lateral wall as specifically claimed in dependent claim 4.

Moreover, dependent claims 5 and 17 of the present invention claims that the curved edge section has a mean edge radius of curvature  $R$ , which satisfies  $R \geq 5 \times S$ , whereby  $S$  indicates the thickness of the peripheral wall of the cartridge container. The mean edge radius of curvature  $R$  is less than the thickness of the container as shown in FIG. 1 of Schlensker. Accordingly, the features of dependent claims 5 and 17 cannot be anticipated, nor taught or suggested.

Dependent claims 9-11 and 19 relate the specifically claimed back-up ring arranged on the lid and features regarding structure thereof. It is unclear where such back-up ring is located in FIG. 1 of Schlensker. It is respectfully submitted that the

limitations set forth in claims 10 and 11 further defining the back-up ring are not disclosed by Schlensker.

Claims 13, 14 and 20 have been rejected under 35 U.S.C. §102(a) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over Schlensker. The Examiner states that the limitations are product-by-process and patentability is based on the product itself.

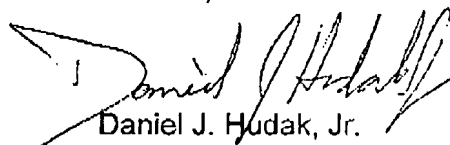
It is respectfully submitted that claims 13 and 20 by definition claim a laser welded section and column 14 further claims a glue or butt-welded section, which are structural limitations. As such, it is respectfully submitted that the products, as claimed including the welded or glued sections, of the rejected claims cannot be anticipated, nor taught or suggested by Schlensker.

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Schlensker '247 in view of Gizowski et al. U.S. 2001/0000894. It is respectfully submitted that the Gizowski reference cannot supply any further teaching or suggestion that would render the claimed invention obvious in view of the Schlensker reference.

It is respectfully submitted that the claims are in condition for allowance and a notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

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